

AMENDED

No. 60978

APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office FEB 28 1995Returned to applicant for correction APR 6 - 1995Corrected application filed APR 19 1995Map filed APR 19 1995The applicant Nevada Pacific Mining Company Incorporated--Blackhawk Mine & Brown &Brown, 630 S. 3rd Street, of Las Vegas,
Street and No. or P.O. Box No. City or TownNevada 89101-6602, hereby make application for permission to appropriate the public
State and Zip Code No.waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a
copartnership or association, give names of members.) Nevada CorporationJanuary 28, 1993 #818-931. The source of the proposed appropriation is Underground Source
Name of stream, lake, spring, underground or other source2. The amount of water applied for is One (1.00) second-feet
One second-foot equals 448.83 gals. per min.

(a) If stored in reservoir give number of acre-feet

3. The water to be used for Mining and Ore Processing
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.

4. If use is for:

(a) Irrigation, state number of acres to be irrigated

(b) Stockwater, state number and kinds of animals to be watered

(c) Other use (describe fully under No. 12. "Remarks") Mining and Ore Processing

(d) Power:

(1) Horsepower developed

(2) Point of return of water to stream

5. The water is to be diverted from its source at the following point SE $\frac{1}{4}$ SW $\frac{1}{4}$ Section 4 T26S R64E at a
Describe as being within a 40-acre subdivision of public
point from which the SW Corner of Section 4 T26S R64E MDB&M bears S81°55' W a
survey, and by course and distance to a section corner. If on unsurveyed land, it should be so stated.
distance of 1689.7 feet.6. Place of use W $\frac{1}{2}$ Section 4 and E $\frac{1}{2}$ E $\frac{1}{2}$ Section 5 T26S R64E MDB&M
Describe by legal subdivision. If on unsurveyed land, it should be so stated.7. Use will begin about January 1 and end about December 31, of each year.
Month and Day Month and Day8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and
specifications of your diversion or storage works.) A 400" 12" diameter water well cased with 8" steel
State manner in which water is to be diverted, i.e. diversion structure, ditches and
pipe. Water will be pumped into 40000 gal. tank.
flumes, drilled well with pump and motor, etc.

9. Estimated cost of works.....\$100,000

10. Estimated time required to construct works.....Thirty Days

If well completed, describe works.

11. Estimated time required to complete the application of water to beneficial use.....365 days

12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use:

The Blackhawk Mine is a 2600 tpd ore open pit/heap leach gold/silver mine located in Eldorado Canyon 1 1/2 miles west of Nelson, Nevada. Water consumption is estimated at 100-200 gpm dependent on season. Water will be consumed by evaporation at the heap leach process and dust control in the crushing plant and mining operation.

By.....s/John P. Bingham
% Brown & Brown 630 South 3rd Street
Las Vegas, Nevada 89101-6602

Compared.....nsr/bk nsr/bk

Protested.....

APPROVAL
OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to existing rights. It is understood that the amount of water herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to beneficial use. It is also understood that this right must allow for a reasonable lowering of the static water level. This well shall be equipped with a two (2) inch opening for measuring depth to water. If the well is flowing, a valve must be installed and maintained to prevent waste. A totalizing meter must be installed and maintained in the discharge pipeline near the point of diversion and accurate measurements must be kept of water placed to beneficial use. The totalizing meter must be installed before any use of water begins, or before the Proof of Completion of Work is filed. This source is located within an area designated by the State Engineer, pursuant to NRS 534.030. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.
(CONTINUED ON PAGE 2)

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed.....1.0.....cubic feet per second....., but not to exceed 79.7 million gallons annually.

Work must be prosecuted with reasonable diligence and be completed on or before.....March 19, 1997

Proof of completion of work shall be filed before.....April 19, 1997

Application of water to beneficial use shall be filed on or before.....March 19, 1999

Proof of the application of water to beneficial use shall be filed on or before.....April 19, 1999

Map in support of proof of beneficial use shall be filed on or before.....N/A

Completion of work filed.....

Proof of beneficial use filed.....

Cultural map filed.....

Certificate No.....Issued.....

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.
State Engineer of Nevada, have hereunto set my hand and the seal of my

office, this 19th day of March

A.D. 1996

[Signature]
State Engineer

(PERMIT TERMS CONTINUED)

This permit is issued under the preferred use provisions of NRS Chapter 534. The manner of use of water under this permit is by nature of its activity a temporary use and any application to change the manner of use granted under this permit will be subject to additional determination and evaluation with respect to the permanent effects on existing rights and the resource within the ground water basin.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

A monitoring plan must be submitted to The State Engineer within 30 days from the issuance of this permit. No pumping of water under this permit is allowed until the monitoring plan is approved by the State Engineer. This monitoring plan shall include at least one dedicated monitoring well between the well under this permit and the Town of Nelson. Other wells in the area already drilled may be utilized for the monitoring plan if acceptable by the State Engineer and the owner of that well. Any adverse effects shown as a result of the measurements taken will require the permittee to mitigate these impacts or curtail pumping or cease pumping.

The well drilled under this permit shall be sealed with cement grout, concrete grout or neat cement from ground level to 550 feet below ground level.

Monthly records shall be kept of the amount of water pumped from this well and the records submitted to the State Engineer on a quarterly basis within 15 days after the end of each calendar quarter. All wells measured in the monitoring plan shall have the water levels reported at the same time as the amount of water pumped under this permit.

